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7 Attorneys for Chapter 11  
8 Debtor and Debtor in Possession

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10 **UNITED STATES BANKRUPTCY COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **LOS ANGELES DIVISION**

13 In re: ) Case No.: 2:22-bk-10266-BB  
14 ESCADA AMERICA LLC, ) Chapter 11 Case  
15 )  
16 Debtor and Debtor in Possession. ) **STIPULATION BETWEEN THE**  
17 ) **DEBTOR AND THE OFFICIAL**  
18 ) **COMMITTEE OF UNSECURED**  
19 ) **CREDITORS REGARDING**  
20 ) **COMMITTEE'S CURRENT**  
21 ) **AND FUTURE REQUESTS**  
22 ) **FOR INFORMATION FROM THE**  
23 ) **DEBTOR**

17 Escada America LLC, a Delaware limited liability company, the debtor and debtor in  
18 possession in the above-captioned chapter 11 case (the “Debtor”), and the Official Committee  
19 of Unsecured Creditors (the “Committee” and together with Debtor, the “Parties”), by and  
20 through their respective undersigned counsel, hereby enter into this stipulation regarding the  
21 Committee’s current and future requests for information from the Debtor (the “Discovery  
22 Stipulation”) as follows:

23 **RECITALS**

24 A. The Debtor commenced its bankruptcy case by filing a voluntary chapter 11  
25 petition on January 18, 2022 (the “Petition Date”).

26 B. On May 18, 2022, the Office of the United States Trustee formed the Committee  
27 [ECF 172].

1           C. On May 26, 2022, the Committee's counsel served an informal list of information  
2 requests on the Debtor (the "Initial Requests").

3           D. On June 27, 2022, the Committee and the Debtor entered into the Stipulation to  
4 Extend Deadlines and Scheduling Regarding: (A) Disclosure Statement Describing Debtor's  
5 Chapter 11 Reorganization Plan, Dated May 12, 2002; (B) Debtor's Motion for Order: (I)  
6 Authorizing Use of Cash Collateral Pursuant to Section 363 of the Bankruptcy Code; and (II)  
7 Approving Adequate Protection; (C) Committee Information Requests [ECF 237] (the "June 27  
8 Stipulation").

9           E. Pursuant to the June 27 Stipulation, July 1, 2022 was the Debtor's deadline to  
10 respond to the Initial Requests.

11          F. The Debtor did not respond to the Initial Requests by July 1, 2022, and the  
12 Committee alleges that the responses the Debtor has provided to date since July 1, 2022 are  
13 incomplete.

14          G. One of the items requested in the Initial Requests is a payment ledger listing all  
15 payments the Debtor has made to or for the benefit of any insider, as that term is defined in  
16 Section 101(a)(31) (the "Payment Ledger").

17          H. The Committee alleges that as of the date of this Discovery Stipulation, the Debtor  
18 has not produced a complete Payment Ledger to the Committee.

19          I. On July 20, 2022, the Committee's counsel served a second informal list of  
20 information requests on the Debtor (the "Second Requests").

21          J. The Committee requires responses to the Initial Requests and the Second Requests  
22 to understand the Debtor, its business, assets and liabilities in order to negotiate a fair, reasonable  
23 and confirmable plan for the Debtor and to otherwise fulfil its statutory mandate.

24          K. The Committee alleges that it has not received timely or complete responses to its  
25 informal requests for information from the Debtor and, therefore, requires the procedural  
26 protections of Fed. R. Bankr. P. 2004 ("Rule 2004") to ensure the Debtor's compliance.

L. On July 20, 2022, the Committee and the Debtor met and conferred pursuant to [Local Rule 2004-1] to negotiate procedures to facilitate the Committee's receipt of information from the Debtor without the need for formal litigation.

M. To streamline the exchange of information, which will facilitate ongoing good faith negotiations between the Debtor and the Committee over the terms of a chapter 11 plan for the Debtor, the Parties agree that the procedures below shall govern the Initial Requests, the Second Requests, and all future requests for information the Committee may make to the Debtor in this case.

## **STIPULATION**

1. The recitals in paragraphs "A" through "M" above are incorporated here as though set forth in full.

2. The Initial Requests and the Second Requests shall be deemed requests for the production of documents ordered under and governed by Rule 2004.

3. The Debtor shall produce a complete Payment Ledger by 5:00 p.m. (PT) on August 5, 2022.

4. The Debtor shall complete its response to the other Initial Requests by August 12, 2022.

5. The Debtor shall produce documents in response to the Second Requests on a rolling basis in good faith and complete its response to the Second Requests by August 17, 2022.

6. The Committee may issue additional requests for information to the Debtor pursuant to this Discovery Stipulation. Each such request shall be deemed a request for the production of documents ordered under and governed by Rule 2004. The Committee shall make its requests to the Debtor in writing, which may be through an email addressed to the Debtor's counsel.

7. If the Debtor objects to any request made by the Committee, including but not limited to any request in the Initial or Second Requests, it shall notify the Committee of its specific objection(s) in writing (which may be an email to Committee's counsel) within ten days

1 after entry of the Court order approving this Discovery Stipulation for those requests already  
2 made, and within three (3) business days of receipt of any future requests. The Parties shall  
3 negotiate in good faith to resolve any objection consensually. If the Parties are unable to resolve  
4 an objection within five (5) business days, either Party may seek appropriate relief from the  
5 Court.

6 8. Nothing in this Discovery Stipulation shall limit the Committee's right to file a  
7 motion pursuant to Rule 2004 for authority to (i) depose the Debtor, or (ii) conduct an  
8 examination of any other party.

9 9. The Parties may agree in writing to extend any of the deadlines set forth in this  
10 Discovery Stipulation.

11 **SO STIPULATED.**

12 Dated: August 5, 2022

13 ESCADA AMERICA LLC

14 By: 

15 JOHN-PATRICK M. FRITZ  
16 CARMELA T. PAGAY  
17 LEVENE, NEALE, BENDER,  
18 YOO & GOLUBCHIK L.L.P.  
Attorneys for Chapter 11  
Debtor and Debtor in Possession

19 Dated: August 5, 2022

20 OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS

21 By: 

22 ROBERT L. LEHANE  
KRISTIN S. ELLIOTT  
PHILIP A. WEINTRAUB  
KELLEY DRYE WARREN LLP  
Proposed Attorneys for Official Committee of  
23 Unsecured Creditors of Escada America LLC

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 2818 La Cienega Avenue, Los Angeles, CA 90034.

A true and correct copy of the foregoing document entitled **STIPULATION BETWEEN THE DEBTOR AND THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS REGARDING COMMITTEE'S CURRENT AND FUTURE REQUESTS FOR INFORMATION FROM THE DEBTOR** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 5, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Dustin P Branch branchd@ballardspahr.com,  
carolod@ballardspahr.com;hubenb@ballardspahr.com
- John C Cannizzaro john.cannizzaro@icemiller.com, julia.yankula@icemiller.com
- Michael J Darlow mdarlow@pbfcmlc.com, tpope@pbfcmlc.com
- Caroline Djang cdjang@buchalter.com, docket@buchalter.com;lverstegen@buchalter.com
- Eryk R Escobar eryk.r.escobar@usdoj.gov
- John-Patrick M Fritz jpf@lnbyg.com, JPF.LNBYB@ecf.inforuptcy.com
- Jonathan Gottlieb jdg@lnbyg.com
- William W Huckins whuckins@allenmatkins.com,  
clynnch@allenmatkins.com;igold@allenmatkins.com
- Gregory Kent Jones (TR) gjones@sycr.com,  
smjohnson@sycr.com;C191@ecfcbis.com;cpesis@stradlinglaw.com
- Michael S Kogan mkogan@koganlawfirm.com
- Carmela Pagay ctp@lnbyg.com
- Kristen N Pate bk@bpretail.com
- Terrel Ross tross@trcmllc.com
- Lindsey L Smith lls@lnbyg.com, lls@ecf.inforuptcy.com
- Ronald M Tucker rtucker@simon.com,  
cmartin@simon.com;psummers@simon.com;Bankruptcy@simon.com
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Eric R Wilson kdwbankruptcydepartment@kelleydrye.com, MVicinanza@ecf.inforuptcy.com

**2. SERVED BY UNITED STATES MAIL:** On **August 5, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Sheri Bluebond  
United States Bankruptcy Court  
Edward R. Roybal Federal Building and Courthouse  
255 E. Temple Street, Suite 1534 / Courtroom 1539  
Los Angeles, CA 9001

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 5, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

*None.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

August 5, 2022	Damon Woo	/s/ Damon Woo
Date	Type Name	Signature

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